

AGILENT TECHNOLOGIES, INC.  
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## PATENT APPLICATION

ATTORNEY DOCKET NO. 10010937-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Thomas W. Stone, et al.

Serial No.: 10/720,816

Examiner: Chiem, Dinh D.

Filing Date: 11/24/03

Group Art Unit: 2883

Title: Variable Optical Attenuator Systems

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COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment ( ) Petition to extend time to respond  
( ) New fee as calculated below ( ) Supplemental Declaration  
( ) No additional fee (Address envelope to "Mail stop Non-Fee Amendments")  
( ) Other: \_\_\_\_\_ (fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	11	MINUS	11	= 0	X \$18	\$ 0
INDEP. CLAIMS	3	MINUS	3	= 0	X \$84	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$410.00	3RD MONTH \$930.00	4TH MONTH \$1450.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile: 2 September 2004

Typed Name: Ann Marie Radcliffe

Signature: Ann Marie Radcliffe

Respectfully submitted,

Thomas W. Stone, et al.

By Pamela Lau Kee

Pamela Lau Kee

Attorney/Agent for Applicant(s)

Reg. No. 36,184

Date: 2 September 2004

10010937-1

<p>( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.</p> <p>Date of Deposit: Typed Name: Signature:</p>	<p>(X) I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date shown below.</p> <p>Date of Facsimile: <i>2 September 2004</i> Typed Name: Ann Marie Radcliffe Signature: <i>Ann Marie Radcliffe</i></p>
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**In The United States Patent and Trademark Office****Inventor(s): Thomas W. Stone, et al.****Examiner: Chiem, Dinh D.****Serial No.: 10/720,816****Group Art Unit: 2883****Filing Date: 11/24/03****Title: Variable Optical Attenuator Systems****RECEIVED  
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SEP 02 2004****Sir:**

In an Office Action dated 12 August 2004 having a 30 day shortened statutory period of response, the Examiner has identified the groups as follows:

Species 1: claims 8-10 directed to a variable attenuator and a method for providing variable attenuation of a beam

Species 2: claim 11 directed to a switch and a method for switching one input optical beam to two output beams

The Applicant is required under 35 U.S.C. 121 to elect a single disclosed species by selecting a single disclosed to which the claims would be restricted if no generic claim be finally held to be allowable. The Examiner noted that claims 1-7 were generic.

Applicants note that the independent claims are claims 1, 8, and 11. Claims 2-7 depend from claim 1. Claims 9-10 depend from claim 8.

Applicants elect Species 1. The pending claims are presented below.